



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,700	08/11/2003	Benjamin J. Olechnowicz	22188/06542	1699
24024	7590	10/16/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			BOCHNA, DAVID	
800 SUPERIOR AVENUE			ART UNIT	
SUITE 1400			PAPER NUMBER	
CLEVELAND, OH 44114			3679	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,700	<b>Applicant(s)</b> OLECHNOWICZ ET AL.	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-24, 26, 27, 29-36 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) 41-43 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26, 27, 29-31, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 21, 32, 35-36 and 40 is/are rejected.
- 7) ☒ Claim(s) 22-24, 33-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 9/14/06, with respect to the rejection(s) of claim(s) 21-24, 32-36 and 40 under Babuder 5,145,219 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Babuder 5,135,269.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 32, 35-36 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Babuder 5,135,269.

In regard to claim 21, Babuder discloses (fig. 2) a coupling comprising:  
first and second generally tubular members 20, 20' each having a sealing end face, a raised, annular sealing bead 52', an inner bore, and a frictional surface 54' located radially outward of said sealing bead 52', said tubular members being generally coaxially arranged such that said sealing faces face each other; and

a sealing gasket 30 captured between said sealing beads for sealing said coupling, wherein said frictional surface 54' engages said sealing gasket 30 to prevent relative rotation between said tubular members; said sealing gasket having two respective sides, wherein said sealing gasket includes a sealing surface (portion of 30 in contact with 50') on each of said respective sides of said gasket, each of said sealing surfaces contacting one of said sealing beads

Art Unit: 3679

of said tubular members and an anti-rotation surface (portion of 30 in contact with 54') on each of said respective sides of said gasket, each of said anti-rotation surfaces contacting one of said frictional surfaces of said tubular members, wherein each of said respective sealing surfaces and anti-rotation surfaces are co-planar upon prior to the coupling (see fig. 1).

In regard to claim 32, Babuder discloses a gland 20' for use in a coupling assembly, wherein said gland includes:

a sealing end face, a raised annular sealing bead 50' located on said sealing end face and an inner bore; and

a frictional surface 54' comprising a radially extending band located radially outward of said raised annular sealing bead; wherein said sealing bead and frictional surface are adapted to engage coplanar surfaces of a sealing gasket 30.

In regard to claims 35 and 40, Babuder discloses a coupling comprising:

a first tubular member 20 and a second tubular member 20', each of said tubular member including a raised annular sealing bead 50' and a frictional surface 54' located radially outward from said sealing bead 50; and

a gasket 30 of generally uniform thickness;

wherein said annular sealing beads 50' contact respective sealing surfaces of said gasket and said frictional surface contacts respective anti-rotation surfaces of said gasket; and wherein said sealing surface and said anti-rotation surface are generally co-planar prior to coupling make-up.

In regard to claim 36, wherein said frictional surface 54' is slightly recessed from said sealing beads.

Art Unit: 3679

*Allowable Subject Matter*


4. Claims 26-27, 29-31 and 38-39 are allowed.
5. Claims 22-24, 33-34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna  
Primary Examiner  
Art Unit 3679